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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/808,502 | 03/14/2001 | Yoshinari Shirata | 450100-03065 | 3613 |
| 20999 | 7590 | 12/28/2004 | EXAMINER | |
| FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | CHEVALIER, ROBERT | | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2616 | | |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/808,502 | SHIRATA ET AL. |
| | Examiner | Art Unit |
| | Bob Chevalier | 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4 and 6-8 is/are rejected.
- 7) Claim(s) 2 and 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, and 7-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al (JP411027602A).

Aoki et al (JP411027602A) discloses a television receiver that shows all the limitations recited in claims 1, and 4, including the feature of the picture quality adjustment method (See Aoki et al's Figure1, component 9), the feature of writing into a memory picture quality adjustment condition for a video signal as picture quality adjustment data in a corresponding relationship to video identification information for specifying a video or characteristic describing information which describes an image characteristic (See Aoki et al's Figure 1, component 8, where it is disclosed that image quality adjustment value corresponding to image compression techniques for image signal is being stored), and the feature of reading out, upon outputting of the video, the picture quality adjustment data from the memory and setting a picture quality adjustment condition for the video signal to be outputted in accordance with the read out picture quality adjustment data as specified in the present claims 1, and 4. (See Aoki et al's Figure 1, components 9, 8, 3, and 10, and the corresponding disclosure).

With regard to claims 7-8, the feature of the image processing section demultiplexes digital video data to obtain brightness data and the color difference data

and performs a picture quality adjustment process for at least one of the brightness data and the color difference data as specified thereof would be inherently present in the cited reference of Aoki et al. Because, Aoki et al already discloses that the image quality adjustment means provided thereof performs adjustment such as lightness and saturation of color for the received compressed image data before displaying the same on the display means.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al (JP411027602A) in view of Official Notice.

Aoki et al discloses a television receiver including an image quality adjustment means that shows substantially the same limitations recited in claims 3, and 6, including the feature of the memory for storing picture quality adjustment data as specified in the present claims 3, and 6). (See Aoki et al's Figure 1).

Aoki et al fails to specifically disclose the feature of the memory being part of an area of a recording medium from which the video signal is to be played back as specified in the present claims 3, and 6.

Examiner takes Official Notice in that it is notoriously well known in the video television receiving art to have a recording/reproducing means including a recording medium having recorded thereon both a video signal and header information including data corresponding to the characteristic or the ID of said recorded video data and wherein said recorded video signal is reproduced to be provided for display on a television receiver as claimed.

It would have been obvious to one skilled in the art to modify the Aoki et al's television receiving apparatus wherein the inputting and the memory means provided thereof (See Aoki et al's Figure 1) would incorporate the capability of a recording/reproducing means including a recording medium having recorded thereon both the video signal and the header information including data corresponding to the characteristic or the ID of said recorded video signal and wherein said recorded video signal is reproduced to be provided for display on the television receiver in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to be able to display on the display means recorded video

signal reproduced from a recording/reproducing apparatus at any desired time thereby increase the efficiency of the apparatus as is suggested in the prior art.

6. Claims 2, 5, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitahara et al (JP409009157A) discloses a video signal processing unit which includes image adjustment means and demultiplexing means.

Yoshimi discloses a television signal display apparatus with picture quality compensation.

Oshino discloses an image processing method and apparatus which includes image quality adjusting processing means.

Fujiki discloses an on-screen display apparatus with sequentially displayed picture adjustment messages.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
December 23, 2004.


ROBERT CHEVALIER
PRIMARY EXAMINER